

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

THE UNITED STATES OF AMERICA *ex*
rel. LESLIE CARICO,

Plaintiff,

v.

VETERANS GUARDIAN VA CLAIM
CONSULTING, LLC, *et al.*,

Defendants.

Civil Action No. 20-CV-784-WO-LPA

**MOTION TO DISMISS RELATOR’S FIRST AMENDED COMPLAINT UNDER
RULES 9(b) AND 12(b)(6), AND ALTERNATIVELY UNDER RULE 12(b)(5) AS
TO DEFENDANTS SCOTT GREENBLATT AND DR. GREGORY VILLAROSA**

Defendants, by and through their undersigned counsel, hereby move the Court to dismiss Plaintiff-Relator Leslie Carico’s First Amended Complaint under Federal Rules of Civil Procedure 9(b) for failure to plead fraud with particularity and 12(b)(6) for failure to state a claim upon which relief can be granted. In the alternative, Defendants move the Court to dismiss the claims against Defendants Scott Greenblatt and Dr. Gregory Villarosa under Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process. The bases for this Motion are set forth in Defendants’ accompanying Memorandum of Law, which is incorporated by reference.

WHEREFORE, Defendants respectfully request that the Court enter an Order dismissing this action with prejudice.

Dated: August 19, 2024

Respectfully submitted,

/s/ Dustin T. Greene

Dustin T. Greene (N.C. Bar No. 38193)
Whitney R. Pakalka (N.C. Bar No. 52611)
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
Office: (336) 607-7300
Fax: (336) 607-7500
Email: dgreene@ktslaw.com
wpakalka@ktslaw.com

Robert Salcido*
Emily Gerry*
AKIN GUMP STRAUSS HAUER & FELD LLP
Robert S. Strauss Tower
2001 K Street N.W.
Washington, DC 2000
Office: (202) 887-4000
Fax: (202) 887- 4288
Email: rsalcido@akingump.com
egerry@akingump.com

**notice of special appearance to be submitted*

***Counsel for Defendants Veterans Guardian VA
Claim Consulting LLC, Scott Greenblatt, William
Taylor, and Dr. Gregory Villarosa***

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Dustin T. Greene

Dustin T. Greene

North Carolina Bar No. 38193

KILPATRICK TOWNSEND & STOCKTON LLP

1001 West Fourth Street

Winston-Salem, NC 27101

Tel: (336) 607-7300

Fax: (336) 607-7500

Email: dgreene@ktslaw.com

***Counsel for Defendants Veterans Guardian VA
Claim Consulting LLC, Scott Greenblatt, William
Taylor, and Dr. Gregory Villarosa***